

AMENDED IN SENATE JUNE 17, 1998
AMENDED IN ASSEMBLY MARCH 25, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1978

Introduced by Assembly Member Campbell

February 17, 1998

An act to amend Sections 113715, 113870, 113895, ~~114020,~~
~~and 114065 of, and to add Section 113716 to, the Health~~ 114020,
114065, and 114350 of, to add Section 113716 to, and to repeal
and add Article 13 (commencing with Section 114310) of Part
7 of Division 104 of, the Health and Safety Code, relating to
environmental health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1978, as amended, Campbell. Retail food facilities:
employees: certification and testing.

Existing law, the California Uniform Retail Food Facilities
Law, provides for the regulation of retail food facilities,
including health and safety standards. Under existing law, a
violation of any of these provisions is punishable as a
misdemeanor.

Existing law requires employees of food facilities to comply
with specified procedures with respect to the preparation,
serving, and handling of food or utensils, and requires all new
and replacement food-related and utensil-related equipment
to meet approved applicable sanitation standards.

This bill would revise procedures with respect to the serving of ready-to-eat foods and sanitation standards for food-related and utensil-related equipment.

The bill, among other things, would also require specified food facilities, ~~by no later than on or before January 1, 2000, to employ full-time at least one person have an owner or employee who has undergone a food safety training program and has~~ successfully passed an approved and accredited food safety certification examination, and would specify the elements of knowledge required for such an examination. ~~It would permit certain counties to continue to require food manager or food handler certification or training programs until a specified date, but would preempt all other regulation by local entities with respect to food manager or food handler certification or training programs.~~

This bill would require enforcement agencies to notify all permitted food facilities, on or before March 1, 1999, of the new legal requirements imposed by this bill. The imposition of this new requirement on local enforcement agencies would impose a state-mandated local program. It would also repeal and recast sanitation provisions governing temporary food facilities, and would, among other things, require that a person or organization that is in control of any community event, as defined, in which one or more temporary food facilities operates, obtain a permit for that event.

The bill, in addition, would require the State Department of Health Services, in consultation with various organizations and interested parties, to develop regulations regarding food safety certification examinations, and would appropriate \$100,000 from the General Fund to the department for this purpose.

Since a violation of the provisions applicable to retail food facilities is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

~~This bill would provide that no reimbursement is required by this act for a specified reason, including the creation of a~~

State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 113715 of the Health and Safety
2 Code is amended to read:

3 113715. Nothing in this chapter shall prohibit a local
4 governing body from adopting an evaluation or grading
5 system for food facilities, from prohibiting any type of
6 food facility, *from adopting an employee health*
7 *certification program*, or from regulating the provision of
8 patron toilet and handwashing facilities.

9 SEC. 2. Section 113716 is added to the Health and
10 Safety Code, to read:

11 ~~113716. (a) No later than January 1, 2000, each food~~
12 ~~facility shall employ on a full-time basis at least one person~~
13 ~~who has undergone a food safety training program that~~
14 ~~may include, but shall not be limited to, classroom~~
15 ~~training, home study programs, or computer-assisted~~
16 ~~training, and has successfully passed an approved and~~
17 ~~accredited food safety certification examination. For~~
18 ~~purposes of this section, food facilities that operated in the~~
19 ~~same building or otherwise at the same location and~~
20 ~~under the same management, ownership, or control are~~
21 ~~deemed to be one food facility, notwithstanding the fact~~
22 ~~that the food facilities may operate under separate~~
23 ~~permits.~~

~~(b) On and after January 1, 2000, a food facility that commences operation, changes ownership, or no longer employs a certified person pursuant to this section shall have 60 days to comply with subdivision (a).~~

~~(c) No person certified and employed at a food facility for purposes of subdivision (a) shall serve at any other food facility as the person required to be certified pursuant to this section. The certified person need not be present at the food facility during all hours of operation.~~

~~(d) The food facility's certified employee shall have, as part of his or her responsibilities, the safety of food preparation and service, including ensuring that all employees who handle, or have responsibility for handling, unpackaged foods of any kind have sufficient knowledge to ensure the safe preparation or service of the food, or both. The nature and extent of the knowledge that each employee is required to have may be tailored as appropriate to the employee's duties related to food safety issues.~~

~~(e) The issuance date for each original certificate issued pursuant to this section shall be the date when the individual successfully completes the examination, and the certificate shall expire three years from the date of the original issuance.~~

~~(f) Any replacement or duplicate certificate shall have as its expiration date the same expiration date that was on the original certificate.~~

~~(g) Certified individuals shall be recertified every three years. For purposes of certification or recertification, an individual shall pass an approved and accredited examination in accordance with subdivision (h).~~

~~(h) The food service certification examination shall include, but shall not be limited to, the following elements of knowledge:~~

~~(1) Foodborne illness.~~

~~(A) Terms associated with foodborne illness.~~

~~(i) Foodborne illness.~~

~~(ii) Foodborne outbreak.~~

~~(iii) Diseases transmitted by food.~~

~~(B) Microorganisms and toxins that can contaminate food and the illness that can be associated with contamination by:~~

- ~~(i) Bacteria.~~
- ~~(ii) Viruses.~~
- ~~(iii) Parasites.~~
- ~~(iv) Fungi.~~

~~(C) Definition and recognition of potentially hazardous foods.~~

~~(D) Chemical, biological, and physical contamination of food and the illnesses that can be associated with contamination.~~

~~(E) Major contributing factors for foodborne illness.~~

~~(F) How microorganisms cause foodborne illness.~~

~~(2) Time/temperature relationship with foodborne illness.~~

~~(A) The relationship between time/temperature and microorganisms (survival, growth, and toxin production) during the following states:~~

- ~~(i) Receiving.~~
- ~~(ii) Storing (preproduction).~~
- ~~(iii) Thawing.~~
- ~~(iv) Cooking.~~
- ~~(v) Holding and displaying.~~
- ~~(vi) Serving.~~
- ~~(vii) Cooling.~~
- ~~(viii) Storing (postproduction).~~
- ~~(ix) Reheating.~~
- ~~(x) Transporting.~~

~~(B) The type and use of thermometers in monitoring food temperatures, and how to calibrate them.~~

~~(3) The relationship between personal hygiene and food safety.~~

~~(A) The association of hand contact and foodborne illness:~~

- ~~(i) Hand washing technique and frequency.~~
- ~~(ii) Proper use of gloves, including replacement frequency.~~
- ~~(iii) Minimal hand contact with food.~~

- 1 ~~(B) The association of personal habits and behaviors~~
2 ~~and foodborne illness:~~
3 ~~(i) Smoking.~~
4 ~~(ii) Eating and drinking.~~
5 ~~(iii) Wearing clothing that may contaminate food.~~
6 ~~(iv) Personal behaviors, including sneezing and~~
7 ~~coughing, among other things.~~
8 ~~(C) The association of food worker health to~~
9 ~~foodborne illness:~~
10 ~~(i) Symptoms of communicable disease.~~
11 ~~(ii) How infections spread through food on contact.~~
12 ~~(iii) Contact with open wounds.~~
13 ~~(D) Recognition of how policies, procedures, and~~
14 ~~management contribute to improved food safety~~
15 ~~practices.~~
16 ~~(4) Methods of preventing food contamination from~~
17 ~~purchasing to serving.~~
18 ~~(A) Terms associated with contamination:~~
19 ~~(i) Contamination.~~
20 ~~(ii) Adulteration.~~
21 ~~(iii) Damage.~~
22 ~~(B) Potential hazards prior to delivery and during~~
23 ~~delivery:~~
24 ~~(i) Approved source.~~
25 ~~(ii) Safe condition.~~
26 ~~(C) Potential hazards and methods to minimize or~~
27 ~~eliminate hazards after delivery:~~
28 ~~(i) Personal hygiene.~~
29 ~~(ii) Cross contamination:~~
30 ~~(I) Food to food.~~
31 ~~(II) Equipment and utensils.~~
32 ~~(iii) Contamination:~~
33 ~~(I) Chemical.~~
34 ~~(II) Additives.~~
35 ~~(III) Physical.~~
36 ~~(iv) Service and display customer contamination.~~
37 ~~(v) Storage.~~
38 ~~(vi) Reservice.~~
39 ~~(5) Procedures for cleaning and sanitizing equipment~~
40 ~~and utensils:~~

- 1 ~~(A) Principles and terms associated with cleaning and~~
2 ~~sanitizing.~~
3 ~~(B) Materials: equipment, detergent, sanitizer.~~
4 ~~(C) Methods of cleaning and sanitizing:~~
5 ~~(i) Manual warewashing.~~
6 ~~(ii) Mechanical warewashing.~~
7 ~~(iii) Clean-in-place (CIP).~~
8 ~~(6) Problems and potential solutions associated with~~
9 ~~facility, equipment design, layout, and construction:~~
10 ~~(A) Refrigeration.~~
11 ~~(B) Heating and hot holding.~~
12 ~~(C) Floors, walls, and ceilings.~~
13 ~~(D) Pest control.~~
14 ~~(E) Lighting.~~
15 ~~(F) Plumbing.~~
16 ~~(G) Ventilation.~~
17 ~~(H) Water supply.~~
18 ~~(I) Wastewater disposal.~~
19 ~~(J) Waste disposal.~~
20 ~~(7) Problems and potential solutions associated with~~
21 ~~temperature control, cross-contamination prevention,~~
22 ~~housekeeping, and maintenance:~~
23 ~~(A) Self-inspection program.~~
24 ~~(B) Pest control program.~~
25 ~~(C) Cleaning schedules and procedures.~~
26 ~~(D) Equipment and facility maintenance.~~
27 ~~(i) (1) The following food safety examinations are~~
28 ~~hereby deemed to be approved and accredited for~~
29 ~~purposes of this section:~~
30 ~~(A) The ServSafe Serving Food Certification~~
31 ~~Examination.~~
32 ~~(B) The Chauncey Group International Food~~
33 ~~Protection Certification Examination.~~
34 ~~(C) The National Assessment Institute's Certified~~
35 ~~Professional Food Manager Examination.~~
36 ~~(2) Any food safety certification examination that is~~
37 ~~approved and accredited by the Conference for Food~~
38 ~~Protection or the National Commission for Certifying~~
39 ~~Agencies shall be deemed to be an approved and~~
40 ~~accredited examination for purposes of this section.~~

~~(j) This section shall apply only to food establishments, as defined in Section 113780, that handle unpackaged food of any kind, mobile food preparation units, as defined in Section 113815, stationary mobile food preparation units, as defined in Section 113890, and commissaries, as defined in Section 113750.~~

~~(k) A food facility that complies with this section shall not be required to comply with any local requirement pertaining to food manager or food handler certification or training.~~

~~(l) Notwithstanding subdivision (k), the Counties of Riverside, San Bernardino, and San Diego may, until January 1, 2004, continue to require the food manager or food handler certification or training programs that those counties had in effect on January 1, 1998. No food service operation specified in subdivision (j) in the Counties of Riverside, San Bernardino, and San Diego is required to comply with this section until January 1, 2004, or until the county in which that operation is located no longer requires any food manager or food handler certification or training program.~~

~~(m) The Legislature finds and declares that the state is in need of uniform provisions relating to the certification and training of persons in food facilities with respect to food safety procedures. For this reason, the Legislature finds that state preemption of the authority of local entities, including charter cities, counties, and cities and counties, to adopt food manager or food handler certification or training programs is a matter of statewide concern.~~

113716. (a) (1) On or before January 1, 2000, each food facility shall have an owner or employee who has successfully passed an approved and accredited food safety certification examination. For purposes of this section, multiple contiguous food facilities permitted within the same site and under the same management, ownership, or control shall be deemed to be one food facility, notwithstanding the fact that the food facilities may operate under separate permits.

1 (2) The Legislature finds and declares that the
2 certification required by this section may impose
3 hardship on the owners and operators of smaller food
4 facilities and, therefore, to the extent that a person who
5 is seeking certification pursuant to this section requires
6 training in order to successfully pass an approved and
7 accredited food safety certification examination, this
8 training shall be designed and provided in as flexible a
9 manner as possible. To that end, the Legislature further
10 finds and declares that this training may include, but need
11 not be limited to, classroom training, home study
12 programs, and computer-assisted training.

13 (b) On and after January 1, 2000, a food facility that
14 commences operation, changes ownership, or no longer
15 has a certified owner or employee pursuant to this section
16 shall have 60 days to comply with subdivision (a).

17 (c) There shall be at least one certified owner or
18 employee at each food facility. No certified person at a
19 food facility for purposes of subdivision (a) may serve at
20 any other food facility as the person required to be
21 certified pursuant to this section. The certified owner or
22 employee need not be present at the food facility during
23 all hours of operation.

24 (d) The responsibilities of a certified owner or
25 employee at a food facility shall include the safety of food
26 preparation and service, including ensuring that all
27 employees who handle, or have responsibility for
28 handling, unpackaged foods of any kind, have sufficient
29 knowledge to ensure the safe preparation or service of
30 the food, or both. The nature and extent of the knowledge
31 that each employee is required to have may be tailored,
32 as appropriate, to the employee's duties related to food
33 safety issues.

34 (e) The food safety certificate issued pursuant to this
35 section shall be retained on file at the food facility at all
36 times, and shall be made available for inspection by the
37 health enforcement officer.

38 (f) The issuance date for each original certificate
39 issued pursuant to this section shall be the date when the
40 individual successfully completes the examination. A

1 certificate shall expire three years from the date of
2 original issuance. Any replacement or duplicate
3 certificate shall have as its expiration date the same
4 expiration date that was on the original certificate.

5 (g) Certified individuals shall be recertified every
6 three years by passing an approved and accredited food
7 safety certification examination.

8 (h) On or before March 1, 1999, enforcement agencies
9 shall notify all permitted food facilities subject to this
10 section of the new legal obligation imposed by this section
11 and provide to them the names and contact addresses for
12 all approved and accredited food safety certification
13 examinations.

14 (i) The food safety certification examination shall
15 include, but need not be limited to, the following
16 elements of knowledge:

17 (1) Foodborne illness, including terms associated with
18 foodborne illness, microorganisms, hepatitis A, and toxins
19 that can contaminate food and the illness that can be
20 associated with contamination, definition and
21 recognition of potentially hazardous foods, chemical,
22 biological, and physical contamination of food, and the
23 illnesses that can be associated with food contamination,
24 and major contributing factors for foodborne illness.

25 (2) The relationship between time and temperature
26 with respect to foodborne illness, including the
27 relationship between time and temperature and
28 microorganisms during the various food handling,
29 preparation, and serving states, and the type, calibration,
30 and use of thermometers in monitoring food
31 temperatures.

32 (3) The relationship between personal hygiene and
33 food safety, including the association of hand contact,
34 personal habits and behaviors, and food worker health to
35 foodborne illness, and the recognition of how policies,
36 procedures, and management contribute to improved
37 food safety practices.

38 (4) Methods of preventing food contamination in all
39 stages of food handling, including terms associated with

1 *contamination and potential hazards prior to, during, and*
2 *after delivery.*

3 *(5) Procedures for cleaning and sanitizing equipment*
4 *and utensils.*

5 *(6) Problems and potential solutions associated with*
6 *facility and equipment design, layout, and construction.*

7 *(7) Problems and potential solutions associated with*
8 *temperature control, preventing cross-contamination,*
9 *housekeeping, and maintenance.*

10 *(j) (1) Except as otherwise provided in paragraph*
11 *(2), the following food safety certification examinations*
12 *shall be deemed to be approved and accredited for*
13 *purposes of this section:*

14 *(A) The ServSafe Serving Safe Food Certification*
15 *Examination.*

16 *(B) The Chauncey Group International Food*
17 *Protection Certification Examination.*

18 *(C) The National Assessment Institute's Certified*
19 *Professional Food Manager Examination.*

20 *(D) Professional Testing, Inc.*

21 *(E) Dietary Managers' Association.*

22 *(2) On or before January 1, 2000, the department, in*
23 *consultation with the California Conference of Directors*
24 *of Environmental Health (CCDEH), the Conference for*
25 *Food Protection, representatives of the retail food*
26 *industry, and other interested parties, shall develop*
27 *regulations to approve and accredit additional equivalent*
28 *food safety certification examinations and to disapprove*
29 *and eliminate accreditation of food safety certification*
30 *examinations.*

31 *(k) (1) For purposes of this section, a food facility*
32 *includes all of the following:*

33 *(A) A food establishment, as defined in Section 113780,*
34 *at which unpackaged foods are prepared, handled, or*
35 *served.*

36 *(B) A mobile food preparation unit, as defined in*
37 *Section 113815.*

38 *(C) A stationary mobile food preparation unit, as*
39 *defined in Section 113890.*

40 *(D) A commissary, as defined in Section 113750.*

(2) Notwithstanding paragraph (1), this section shall not apply to the premises of a licensed winegrower or brandy manufacturer utilized for winetastings conducted pursuant to Section 23356.1 of the Business and Professions Code of wine or brandy produced or bottled by, or produced and packaged for, that licensee.

(1) For purposes of this section, the following definitions apply:

(1) "Food safety program" means any city, county, or city and county program that requires, at a minimum, either of the following:

(A) The training of one or more individuals, whether denominated as "owners," "managers," "handlers," or otherwise, relating in any manner to food safety issues.

(B) Individuals to pass a food safety certification examination.

(2) "Food handler program" means any city, county, or city and county program that requires that all or a substantial portion of the employees of a food facility who are involved in the preparation, storage, service, or handling of food products, engage in food safety training or pass a food safety certification examination, or both.

(m) (1) Any provisions of a food safety program in effect prior to January 1, 1999, that require training or a certification examination, or both, shall be deemed to satisfy the requirements of this chapter until January 1, 2001, at which time these provisions shall fully conform with the requirements of this chapter. However, all provisions of a food safety program in effect prior to January 1, 1999, that do not pertain to training or a certification program shall conform with the requirements of this chapter by January 1, 2000.

(2) On and after January 1, 1999, a food safety program that was not in effect prior to that date may not be enacted, adopted, implemented, or enforced, unless the program fully conforms with the requirements of this chapter.

(n) No city, county, or city and county may enact, adopt, implement, or enforce any requirement that any

1 food facility or any person certified pursuant to this
2 section do any of the following:

3 (1) Obtain any food safety certificate or other
4 document in addition to the certificate required by this
5 section.

6 (2) Post, place, maintain, or keep the certificate
7 required by this section other than as specified in
8 subdivision (e).

9 (3) Pay any fee or other sum as a condition for having
10 a certificate verified, validated, or otherwise processed by
11 the city, county, or city and county.

12 (o) Certification conferred pursuant to this chapter
13 shall be recognized throughout the state. Nothing in this
14 chapter shall be construed to prohibit any local
15 enforcement agency from implementing or enforcing a
16 food handler program, as defined in paragraph (2) of
17 subdivision (l) that took effect prior to January 1, 1998,
18 but only in the form in which the program existed prior
19 to January 1, 1998.

20 (p) Notwithstanding Section 113935, a violation of this
21 section shall not constitute a misdemeanor, but shall
22 constitute grounds for permit suspension or revocation,
23 in accordance with Article 5 (commencing with Section
24 113950).

25 SEC. 3. Section 113870 of the Health and Safety Code
26 is amended to read:

27 113870. (a) "Restricted food service transient
28 occupancy establishment" means an establishment of 20
29 guestrooms or less, that provides overnight transient
30 occupancy accommodations, that serves food only to its
31 registered guests, that serves only a breakfast or similar
32 early morning meal, and no other meals, and with respect
33 to which the price of food is included in the price of the
34 overnight transient occupancy accommodation.

35 (b) Notwithstanding subdivision (a), a restricted food
36 service transient occupancy establishment may serve
37 light foods or snacks presented to the guest for
38 self-service.

39 (c) For purposes of this section, "restricted food
40 service transient occupancy establishment" refers to an

1 establishment as to which the predominant relationship
2 between the occupants thereof and the owner or
3 operator of the establishment is that of innkeeper and
4 guest. For purposes of this section, the existence of some
5 other legal relationships as between some occupants and
6 the owner or operator shall be immaterial.

7 SEC. 4. *Section 113895 of the Health and Safety Code*
8 *is amended to read:*

9 113895. (a) “Temporary food facility” means a food
10 facility operating out of temporary facilities approved by
11 the enforcement officer at a fixed location for a period of
12 time not to exceed 25 *consecutive or nonconsecutive* days
13 in any 90-day period in conjunction with a single, *weekly,*
14 *or monthly community event or celebration,* as defined
15 in subdivision (b).

16 (b) “Community event” means an event that is of a
17 civic, political, public, or educational nature, including
18 state and county fairs, city festivals, circuses, and other
19 similar events as determined by the local enforcement
20 agency. “Community event” shall not include a swap
21 meet, flea market, swap mall, seasonal sporting event,
22 grand opening celebration, anniversary celebration, or
23 similar functions.

24 SEC. 5. *Section 114020 of the Health and Safety Code*
25 *is amended to read:*

26 114020. (a) No employee shall commit any act that
27 may result in the contamination or adulteration of food,
28 food contact surfaces, or utensils.

29 (b) All employees preparing, serving, or handling food
30 or utensils shall wear clean, washable outer garments, or
31 other clean uniforms. All employees shall wear hairnets,
32 caps, or other suitable coverings to confine all hair when
33 required to prevent the contamination of food,
34 equipment, or utensils.

35 (c) All employees shall thoroughly wash their hands
36 and arms by vigorously rubbing them with cleanser and
37 warm water, paying particular attention to areas between
38 the fingers and around and under the nails, rinsing with
39 clean water. Employees shall wash their hands:

1 (1) Immediately before engaging in food preparation,
2 including working with unpackaged food, clean
3 equipment and utensils, and unwrapped single-service
4 food containers and utensils.

5 (2) Before dispensing or serving food or handling
6 clean tableware and serving utensils in the food service
7 area.

8 (3) As often as necessary, during food preparation, to
9 remove soil and contamination and to prevent
10 cross-contamination when changing tasks.

11 (4) When switching between working with raw foods
12 and working with ready-to-eat foods.

13 (5) After touching bare human body parts other than
14 clean hands and clean, exposed portions of arms.

15 (6) After using the toilet room.

16 (7) After caring for or handling any animal allowed in
17 a food facility pursuant to Section 114045.

18 (8) After coughing, sneezing, using a handkerchief or
19 disposable tissue, using tobacco, eating, or drinking.

20 (9) After handling soiled equipment or utensils.

21 (10) After engaging in any other activities that
22 contaminate the hands.

23 (d) No employee shall expectorate or use tobacco in
24 any form in any area where food is prepared, served, or
25 stored, or where utensils are cleaned or stored.

26 (e) Food employees shall use utensils, including
27 scoops, forks, tongs, paper wrappers, gloves, or other
28 implements, to assemble ready-to-eat food or to place
29 ready-to-eat food on tableware or in other containers.
30 However, ready-to-eat food may be assembled or placed
31 on tableware or in other containers in an approved food
32 preparation area without using utensils by employees
33 who comply with the handwashing requirements
34 specified in subdivision (c). Food that has been served to
35 the customer and then wrapped or packaged at the
36 direction of the customer shall be handled only with
37 utensils. These utensils shall be properly sanitized before
38 reuse.

39 (f) Gloves shall be worn when contacting food and
40 food contact surfaces if the employee has any cuts, sores,

1 rashes, artificial nails, nail polish, rings (other than a plain
2 ring, such as a wedding band), uncleanable orthopedic
3 support devices, or finger nails that are not clean, neatly
4 trimmed, and smooth.

5 (g) Whenever gloves are worn, they shall be changed,
6 replaced, or washed as often as handwashing is required
7 in subdivision (c). When single-use gloves are used, they
8 shall be replaced after removal.

9 ~~SEC. 5.—~~

10 *SEC. 6.* Section 114065 of the Health and Safety Code
11 is amended to read:

12 114065. All new and replacement food-related and
13 utensil-related equipment shall be certified or classified
14 for sanitation by an American National Standards
15 Institute (ANSI) accredited certification program. In the
16 absence of an applicable ANSI sanitation certification,
17 food-related and utensil-related equipment shall be
18 approved by the enforcement agency.

19 ~~SEC. 6. No reimbursement is required by this act~~
20 ~~pursuant to Section 6 of Article XIII B of the California~~
21 ~~Constitution because the only costs that may be incurred~~
22 ~~by a local agency or school district will be incurred~~
23 ~~because this act creates a new crime or infraction,~~
24 ~~eliminates a crime or infraction, or changes the penalty~~
25 ~~for a crime or infraction, within the meaning of Section~~
26 ~~17556 of the Government Code, or changes the definition~~
27 ~~of a crime within the meaning of Section 6 of Article~~
28 ~~XIII B of the California Constitution.~~

29 ~~Notwithstanding Section 17580 of the Government~~
30 ~~Code, unless otherwise specified, the provisions of this act~~
31 ~~shall become operative on the same date that the act~~
32 ~~takes effect pursuant to the California Constitution.~~

33 *SEC. 7. Article 13 (commencing with Section 114310)*
34 *of Part 7 of Division 104 of the Health and Safety Code is*
35 *repealed.*

36 *SEC. 8. Article 13 (commencing with Section 114310)*
37 *is added to Part 7 of Division 104 of the Health and Safety*
38 *Code, to read:*

39

Article 13. *Temporary Food Facilities*

114310. *This article governs sanitation requirements for temporary food facilities as defined in this chapter.*

114311. *Except as otherwise set forth in this article, temporary food facilities shall meet the applicable requirements in Article 6 (commencing with Section 113975) and Article 7 (commencing with Section 113990).*

114312. *All food that is sold, given away, or dispensed from a temporary food facility shall be from an approved source. No food prepared or stored in a private home may be used, stored, served, offered for sale, sold, or given away in a temporary food facility.*

114313. *The name, address, and telephone number of the owner, operator, permittee, or business shall be legible and clearly visible to patrons. The name shall be in letters at least 8 centimeters (3 inches) high and shall have strokes at least one centimeter ($\frac{3}{8}$ inches) wide, and shall be of a color contrasting with the temporary food facility. Letters and numbers for the address and telephone numbers may not be less than 2.5 centimeters (1 inch) in height.*

114314. *In addition to the permit issued to each complying temporary food facility, a permit shall be obtained by the person or organization that is in control of any community event at which one or more temporary food facilities operates. This permit shall specify all the areas and facilities at the event site to be utilized by the temporary food facilities and the responsibilities of the person or organization issued the permit, including ensuring compliance with this article by the temporary food facilities operating at the event. Effective January 1, 2000, the person or organization in control of the event shall submit a permit application and a site plan to the local enforcement agency at least two weeks prior to the event. The site plan shall show the proposed locations of the temporary food facilities, restrooms, and all shared utensil washing, hand washing, and janitorial facilities.*

114315. *(a) Notwithstanding Section 113995, during operating hours of the temporary food facility, potentially*

1 hazardous food may be held at a temperature not to
2 exceed 7 degrees Celsius (45 degrees Fahrenheit) for up
3 to 12 hours in any 24-hour period. At the end of the
4 operating day, potentially hazardous food that has been
5 held in accordance with this subdivision shall be placed
6 in refrigeration units that maintain the food at or below
7 5 degrees Celsius (41 degrees Fahrenheit) or the food
8 shall be destroyed in a manner approved by the local
9 enforcement agency.

10 (b) At the end of the operating day potentially
11 hazardous food that is held at or above 60 degrees Celsius
12 (140 degrees Fahrenheit) shall be either destroyed in a
13 manner approved by the local enforcement agency or
14 donated in accordance with Article 19 (commencing
15 with Section 114435), but may not be reserved in a food
16 facility.

17 (c) Adequate cold food and hot food holding
18 equipment shall be provided to insure proper
19 temperature control during transportation and operation
20 of the temporary food facility.

21 114316. In addition to complying with Section 114045,
22 live animals, birds, and fowl may not be kept or allowed
23 within 6 meters (20 feet) of any area where food is stored
24 or held for sale. All reasonable efforts shall be taken to
25 exclude wild animals, birds, and fowl from the temporary
26 food facility. This subdivision shall not apply to guide
27 dogs, signal dogs, or service dogs when used in the
28 manner specified in Section 54.1 of the Civil Code.

29 114317. Food-related and utensil-related equipment
30 used in conjunction with a temporary food facility shall
31 comply with Section 114065.

32 114318. Ice used for refrigeration purposes may not
33 be used for consumption in food or beverages.

34 114319. (a) Adequate and suitable facilities shall be
35 provided for the storage of food, utensils, and related
36 items.

37 (b) All food-related and utensil-related items shall be
38 stored at least 15 centimeters (6 inches) above the floor
39 and in a manner that will protect these items from sources
40 of contamination.

1 (c) During periods of inoperation, food shall be stored
2 in one of the following methods:

3 (1) Within a fully enclosed temporary food facility that
4 is in compliance with Sections 114030 and 114145.

5 (2) In lockable food storage compartments or
6 containers meeting both of the following conditions:

7 (A) The food is adequately protected at all times from
8 contamination, exposure to the elements, ingress of
9 rodents and other vermin, and temperature abuse.

10 (B) The storage compartments or containers have
11 been approved by the local enforcement agency.

12 (3) Within a permitted food facility or other facility
13 approved by the local enforcement agency.

14 114320. During transportation to and from the
15 temporary food facility and during operation of the
16 temporary food facility, all food, food contact surfaces,
17 and utensils shall be protected from contamination.

18 114321. At least one toilet facility for each 15
19 employees shall be provided within 60 meters (200 feet)
20 of each temporary food facility. Each toilet facility shall
21 be provided with hand washing facilities equipped with
22 hot and cold running water. Hand washing cleanser and
23 single-use sanitary towels shall be provided in
24 permanently installed dispensers at each hand washing
25 facility. Temporary food facilities that handle only
26 prepackaged foods may provide cold water with a
27 germicidal soap in lieu of hot and cold running water at
28 the hand washing facilities.

29 114322. Adequate janitorial facilities shall be provided
30 for the cleaning of the temporary food facilities,
31 restrooms, and all shared utensil washing and hand
32 washing facilities. Janitorial facilities shall be provided
33 with hot and cold running water from a mixing valve.

34 114323. An area separate from food preparation,
35 utensil washing, and food storage areas shall be provided
36 for the storage of employee clothing or other personal
37 effects. Personal effects shall be stored in a manner that
38 prevents the contamination of food-related and
39 utensil-related items.

40 114324. Adequate lighting shall be provided.

1 114325. (a) An adequate supply of potable hot water,
2 at least 48 degrees Celsius (120 degrees Fahrenheit) shall
3 be provided for utensil washing, hand washing, and
4 janitorial purposes. The water supply shall be from a
5 source approved by the enforcement agency. The
6 potable water supply shall be protected with a backflow
7 or back siphonage protection device, as required by
8 applicable plumbing codes.

9 (b) Adequate potable water shall be provided,
10 commensurate with the food handling activities taking
11 place in the temporary food facility. In addition to the
12 water needed for food preparation and dispensing, at
13 least 75.8 liters (20 gallons) of potable water shall be
14 provided per temporary food facility per day of operation
15 of utensil washing and hand washing.

16 (c) The inlet to a potable water tank shall be provided
17 with a connection of a size and type that will prevent its
18 use for any other service, and shall be constructed so that
19 backflow and other contamination of the water supply is
20 prevented. Hoses used to fill potable water tanks shall be
21 made of food grade materials and handled in a sanitary
22 manner.

23 114326. Adequate liquid waste holding facilities shall
24 be provided and shall meet all of the following
25 requirements:

26 (a) All liquid waste shall be disposed of in a manner
27 approved by the enforcement agency.

28 (b) The liquid waste tanks shall have a minimum
29 capacity that is 50 percent greater than the potable water
30 tanks.

31 (c) When ice is utilized in the storage or display of
32 foods or beverages, an additional minimum liquid waste
33 holding tank capacity equal to one-third of the volume of
34 the ice bins shall be provided for the drainage of ice melt.

35 (d) Additional liquid waste tank capacity may be
36 required where liquid waste production or spillage is
37 likely to occur.

38 (e) Any connection to a liquid waste holding tank shall
39 preclude the possibility of contaminating any food, food
40 contact surface, or utensils.

1 114327. *Open-air barbecue facilities may be operated*
2 *adjacent only to those temporary food facilities that are*
3 *permitted to handle the types of foods to be prepared on*
4 *the barbecue and with the approval of the local*
5 *enforcement officer and subject to the requirements of*
6 *Article 9 (commencing with Section 114185). All other*
7 *cooking equipment shall be installed and operated in*
8 *compliance with all applicable local building and fire*
9 *codes.*

10 114328. *Based upon local environmental conditions,*
11 *location, and other similar factors, the enforcement*
12 *officer may establish additional structural or operational*
13 *requirements, or both, as necessary to ensure that foods*
14 *are of a safe and sanitary quality.*

15 114329. *In addition to complying with Sections 114310*
16 *to 114328, inclusive, temporary food facilities that handle*
17 *only prepackaged foods shall also meet both of the*
18 *following requirements:*

19 (a) *A durable and readily cleanable floor surface shall*
20 *be provided within the temporary food facility.*

21 (b) *A temporary food facility shall be designed and*
22 *operated so as to prevent contamination of food under*
23 *normal operating conditions with regard to employee*
24 *sanitation, and minimize exposure to airborne*
25 *contaminants, birds, vermin, leaves, rain, condensation,*
26 *and other forms of contamination. Overhead protection*
27 *may be required by the enforcement agency in order to*
28 *protect food products from contamination.*

29 114330. *In addition to complying with Sections 114310*
30 *to 114328, inclusive, temporary food facilities that handle*
31 *nonprepackaged foods shall also meet all of the following*
32 *requirements:*

33 (a) *Temporary food facilities shall be fully enclosed,*
34 *meeting the requirements of Sections 114030 and 114145,*
35 *except that temporary food facilities that handle only*
36 *nonprepackaged nonpotentially hazardous food shall be*
37 *fully enclosed, or, if approved by the local enforcement*
38 *agency, all food handling activities shall take place within*
39 *food compartments meeting the requirements of*
40 *subdivision (o) of Section 114265.*

1 (b) A durable and readily cleanable floor surface shall
2 be provided within the temporary food facility.

3 (c) Walls shall be smooth, durable, and readily
4 cleanable. Screening that is at least 16 mesh shall be
5 considered an acceptable wall material for enclosing a
6 temporary food facility.

7 (d) Ceilings shall be smooth, durable, and readily
8 cleanable. Screening shall only be acceptable as a ceiling
9 material above cooking equipment when necessary for
10 ventilation purposes.

11 (e) Food condiments shall be protected from
12 contamination and, where available for customer
13 self-service, be prepackaged or available only from
14 approved dispensing devices.

15 (f) A stainless steel utensil washing sink with at least
16 three compartments with two integrally installed
17 stainless steel drainboards shall be provided. The sink
18 compartments and drainboards shall be large enough to
19 accommodate the largest utensil or piece of equipment
20 to be cleaned in the sink. The sink shall be provided with
21 hot and cold running water from a mixing valve. The sink
22 shall be located within each temporary food facility,
23 except that one sink may be shared by no more than four
24 temporary food facilities that handle only
25 nonprepackaged nonpotentially hazardous food, if the
26 sink is centrally located and are adjacent to the sharing
27 facilities. The local enforcement agency may allow utensil
28 washing facilities other than those required by this
29 section when it deems that utensils can still be handled in
30 a safe and sanitary manner.

31 (g) Hand washing facilities, separate from the utensil
32 washing sink, shall be provided. The hand washing
33 facilities shall be located within each temporary food
34 facility, except that the facilities may be shared by no
35 more than four temporary food facilities that handle only
36 nonprepackaged nonpotentially hazardous food, if the
37 facilities are centrally located and are adjacent to the
38 sharing facilities. Each hand washing facility shall be
39 equipped with hot and cold running water. Hand
40 washing cleanser and single-use sanitary towels shall be

1 *provided in permanently installed dispensers at each*
2 *hand washing facility. The local enforcement agency may*
3 *allow hand washing facilities other than those required by*
4 *this section when it deems that the alternate facilities are*
5 *adequate.*

6 SEC. 9. Section 114350 of the Health and Safety Code
7 is amended to read:

8 114350. Certified farmers' markets shall meet the
9 provisions of Article 6 (commencing with Section 113975)
10 and, in addition, shall meet all of the following
11 requirements:

12 (a) All food shall be stored at least 15 centimeters (6
13 inches) off the floor or ground or under any other
14 conditions that are approved.

15 (b) Food preparation is prohibited at certified
16 farmers' markets with the exception of the food samples.
17 Distribution of food samples is allowed provided that the
18 following sanitary conditions exist:

19 (1) Samples shall be kept in approved, clean, covered
20 containers.

21 (2) All food samples shall be distributed by the
22 producer in a sanitary manner.

23 (3) Clean, disposable plastic gloves shall be used when
24 cutting food samples.

25 (4) Food intended for sampling shall be washed, or
26 cleaned in another manner, of any soil or other material
27 by potable water in order that it is wholesome and safe for
28 consumption.

29 (5) Potable water shall be available for hand washing
30 and sanitizing as approved by the local enforcement
31 agency.

32 (6) Potentially hazardous food samples shall be
33 maintained at or below 45 degrees ~~fahrenheit~~ *Fahrenheit*.
34 All other food samples shall be disposed of within two
35 hours after cutting.

36 (7) Utensil and hand washing water shall be disposed
37 of in a facility connected to the public sewer system or in
38 a manner approved by the local enforcement agency.

1 (8) Utensils and cutting surfaces shall be smooth,
2 nonabsorbent, and easily cleaned or disposed of as
3 approved by the local environmental health agency.

4 (c) Approved toilet and hand washing facilities shall
5 be available within 60 meters (200 feet) of the premises
6 of the certified farmers' market or as approved by the
7 enforcement officer.

8 (d) No live animals, birds, or fowl shall be kept or
9 allowed within 6 meters (20 feet) of any area where food
10 is stored or held for sale. This subdivision does not apply
11 to guide dogs, signal dogs, or service dogs when used in
12 the manner specified in Section 54.1 of the Civil Code.

13 (e) All garbage and rubbish shall be stored, and
14 disposed of, in a manner approved by the enforcement
15 officer.

16 (f) Notwithstanding Article 11 (commencing with
17 Section 114250), vendors selling food adjacent to, and
18 under the jurisdiction and management of, a certified
19 farmers' market may store, display, and sell from a table
20 or display fixture apart from the vehicle, in a manner
21 approved by the local enforcement agency.

22 (g) *Notwithstanding Section 113895, temporary food*
23 *facilities may be operated adjacent to, and in conjunction*
24 *with, certified farmers' markets.*

25 *SEC. 10. The sum of one hundred thousand dollars*
26 *(\$100,000) is hereby appropriated from the General Fund*
27 *to the State Department of Health Services for purposes*
28 *of implementing paragraph (2) of subdivision (j) of*
29 *Section 113716 of the Health and Safety Code, and for*
30 *carrying out any other duties associated with the*
31 *implementation of a statewide food safety program.*

32 *SEC. 11. No reimbursement is required by this act*
33 *pursuant to Section 6 of Article XIII B of the California*
34 *Constitution for certain costs that may be incurred by a*
35 *local agency or school district because in that regard this*
36 *act creates a new crime or infraction, eliminates a crime*
37 *or infraction, or changes the penalty for a crime or*
38 *infraction, within the meaning of Section 17556 of the*
39 *Government Code, or changes the definition of a crime*

1 *within the meaning of Section 6 of Article XIII B of the*
2 *California Constitution.*

3 *However, notwithstanding Section 17610 of the*
4 *Government Code, if the Commission on State Mandates*
5 *determines that this act contains other costs mandated by*
6 *the state, reimbursement to local agencies and school*
7 *districts for those costs shall be made pursuant to Part 7*
8 *(commencing with Section 17500) of Division 4 of Title*
9 *2 of the Government Code. If the statewide cost of the*
10 *claim for reimbursement does not exceed one million*
11 *dollars (\$1,000,000), reimbursement shall be made from*
12 *the State Mandates Claims Fund.*

13 *Notwithstanding Section 17580 of the Government*
14 *Code, unless otherwise specified, the provisions of this act*
15 *shall become operative on the same date that the act*
16 *takes effect pursuant to the California Constitution.*

